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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,901	11/21/2003	Askar Karami	213202.00488	7360

27160 7590 12/13/2005

KATTEN MUCHIN ROSENMAN LLP
525 WEST MONROE STREET
CHICAGO, IL 60661-3693

EXAMINER

COONEY, JOHN M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,901

Applicant(s)

KARAMI ET AL.

Examiner

John m. Cooney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-10,20-22,25-40,44-47,57-59 and 62-77 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) ____ is/are allowed.

- 6) ☒ Claim(s) 1-3,7-10,20-22,25-40,44-47,57-59 and 62-77 is/are rejected.

- 7) ☐ Claim(s) ____ is/are objected to.

- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. ____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 20, 21, 39, 57, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

When materials recited in a claim are so related as to constitute a proper Markush group, they may be recited in the conventional manner (selected from the group “consisting of” A,B, and C) or alternatively (selected from A, B, or C). See M.P.E.P. 2173.05(h).

Claims 1-3, 7-10, 20-22, 25-40, 44-47, 57-59, and 62-77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants' employment of the terminology “substantially completely free” in their claims is confusing as to intent. In the instant case it can not be determined what degree of inclusion is intended by this terminology. Additionally, the term “substantially” 's inference of the presence of ether groups is contradictory to the meaning of the terminology “completely free”.

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Claims 73 and 74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The comparative recitations of claims 73 and 74 are so indefinite as to render the claims confusing as to intent. The recitations cite comparisons with non-specific copolymer polyols and indefinite densities ("substantially the same") such that it can not be determined with any relevance what Indentation Force Deflection(IFD) and thickness loss values are included or excluded by the recitations of these claims.

Additionally, claim 73 is confusing as to intent because within the same claim applicants recite their claimed article to have IFD values which are "less than" and "substantially the same" as the recited reference foam.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3, 7-10, 20-22, 25-40, 44-47, 57-59, and 62-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiese et al. (WO 00/73368).

Wiese et al. discloses preparations of polyurethane foams prepared from isocyanates reacting with toluene diisocyanates (TDI) and diphenylmethane diisocyanates (MDI) as claimed, polyether polyols having molecular weights as claimed, water as a blowing agent, and phenolic resins as crosslinkers in amounts and having functionalities as claimed, wherein the preparations were prepared through formation of polyol resin premixes containing the phenolic resins claimed and are used to prepare slabstock and molded foams as claimed (see abstract, page 5, paragraph bridging pages 6 and 7, page 8 bottom, page 9, 10, and 11, paragraph bridging pages 13 and 14, page 16 lines 21-23, page 19 last paragraph, page 21 line 16- page 22 line 20, and the examples, as well as, the entire document).

Although molecular weights and melting temperatures are not particularly recited by Wiese et al.'s teaching, it is held that such values are inherent to the teachings of Wiese et al. owing to the intrinsic characteristics and make-ups of the species disclosed and specified by Wiese et al. Further and specifically as to the MP's of the phenolic resins, an exemplified phenolic resin, GPRI CK-2500, of Wiese et al.'s disclosure has a softening point (point at which substances without a sharp melting point change from viscous to plastic flow) of 104 to 116 degrees Celsius which is seen to be anticipatory of applicants' range of values "about 50 to about 150 degrees Celsius, and "about 75 to about 100 degrees Celsius.

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Additionally, based on the defined contents and make-ups of the phenolic resins of Wiese et al., it is held that phenol and formaldehyde content values of applicants' claims are inherent to the teachings of Wiese et al.

Wiese et al. anticipates the methods of claims 76 and 77 as it teaches inclusion of the phenolic resins as claimed into a formulation used to produce its foams. Wiese et al. anticipates the products of claims 73 and 74 because the comparative recitations of these claims lend the claims no weight as limitations in the patentable sense.

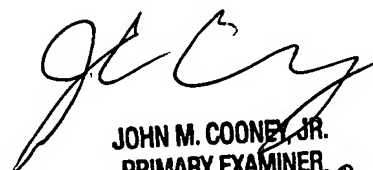
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Georgia Pacific Technical Data sheet (Novolak Resins) is cited for its disclosure of information pertaining to GPRI CK-2500, Yuge et al., Munzenberger et al., and Ishikawa et al. are cited for their disclosures of the use of phenolic resins' as reactants, carbon supplying compounds, and fillers in urethane foam synthesis operations. Hutchings et al. is cited for its disclosure and manipulation of various phenolic resins in the art, including GPRI CK-2500. Wiese et al. (see abstract, column 4 lines 38-61, column 5 lines 53-64, column 7 line 22 – column 9 line 20, column 9 lines 51-60, column 11 lines 43-50, column 13 lines 37-46, column 16 lines 5-12, column 17 line 37 – column 18 line 28, and the examples, as well as, the entire document) is cited for its equivalent disclosure to WO 00/73368.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Cooney whose telephone number is 571-272-1070. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN M. COONEY, JR.
PRIMARY EXAMINER
Group 1700